

**REMARKS**

Claims 9-24 are pending in the present application. Claims 1-8 were previously withdrawn from consideration. Claim 9 is herein amended. No new matter has been entered.

It is respectfully submitted that this paper is fully responsive to the Office action mailed January 16, 2008.

**Claim Rejections - 35 U.S.C. §102**

Claims 9-24 were rejected under 35 U.S.C. §102(a) as anticipated by Applicant's disclosed prior art (hereafter "APA").

Applicants respectfully disagree with the examiner's rejection. However, to expedite prosecution and clarify the subject matter of the claimed invention, Applicants hereby amend claim 9. Accordingly, in view of this amendment and the following remarks, Applicants request that the anticipation rejection of claims 9-24 be withdrawn.

Anticipation requires the disclosure in a single prior art reference of each and every limitation of the claimed invention, arranged as in the claim. However, the APA does not disclose a setting value generating device that generates such a setting value that causes laser light emitted from a laser module to have a predetermined wavelength and satisfies predetermined temperature and power intensity conditions, wherein the laser module can be operated with the setting value that is located within the predetermined temperature setting range and the predetermined power intensity setting range even when the laser module operates outside of the predetermined temperature variable range at a center of the predetermined power intensity

variable range while the laser light is kept at a predetermined wavelength. *See*, currently amended claim 9. Instead, as described on page 5 of the specification:

[T]he temperature variable range is a range defined in accordance with the standard, which is the same as for the power variable range. If the setting temperature T\_Set is not within the temperature variable range ("No" in step S19), the measurement controlling computer 120 determines that the LD module 11 is defective (step S25), and ends the operation.

Furthermore, as described on page 7 of the specification:

As shown in Fig. 3A, the conventional technique can determine the setting values, as long as the controlling point determined through the above procedures is located within the temperature variable range. On the other hand, **if the controlling point is not located within the temperature variable range, as shown in Fig. 3B, the setting values cannot be determined.** Therefore, any LD module having a controlling point outside the temperature variable range has been considered to be defective, and not been employed as an optical component.

Accordingly, Fig. 3A shows that a setting value can be determined *when the controlling point is located within the temperature range* and Fig. 3B shows that a setting value cannot be determined when the controlling point is located outside the temperature range. Thus, Applicants submit that the laser module described in Figs. 3A and 3B cannot operate within a predetermined temperature and power intensity range when the laser module does not have the optimum power intensity.

In other words, currently amended claim 9, for example, does not cover Fig. 3A because the laser module that operates under Fig. 3A operates **within the predetermined temperature variable range** at a center value (P\_Cent (controlling point)) of the predetermined temperature variable range at a center value (P\_Cent (controlling point)) of the predetermined power intensity variable range (between (P\_High and P\_Low) while the laser light is kept at the predetermined

wavelength ( $\lambda_{\text{CONST}}$ ). That is, the dot of CONTROLLING POINT on the line of the predetermined wavelength ( $\lambda_{\text{CONST}}$ ) on the line of the predetermined wavelength ( $\lambda_{\text{CONST}}$ ) is located within the temperature variable range in Fig. 3A.

Whereas, for example, the laser module shown in Fig. 3b operates **outside of the predetermined temperature variable range** at a center value (P\_Cent (controlling point)) of the predetermined power intensity variable range (between (P\_High and P\_Low) while the laser light is kept at the predetermined wavelength ( $\lambda_{\text{CONST}}$ ). That is, in Fig. 3B, the dot of CONTROLLING POINT on the line of the predetermined wavelength ( $\lambda_{\text{CONST}}$ ) is located outside of the temperature variable range in Fig. 3A.

Furthermore, Applicants submit that the automatic power control (APC) aims at controlling the power intensity to the center value P\_Cent. Even when the APC is employed, if the center value P\_Cent is no longer within the predetermined temperature variable range as shown in Fig. 3B, the device is handled as being defective. Thus, the APA does not have the control described in claims 9-24 of the claimed invention (*e.g.*, as shown, for example, in Fig. 4B).

Accordingly, in view of the aforementioned amendments and remarks, Applicants request that the anticipation rejection of independent claims 9, 14, 19, and 24 be withdrawn because the APA does not anticipate these claims.

Application No.: 10/614,277  
Art Unit: 2828

Amendment under 37 C.F.R. §1.111  
Attorney Docket No.: 030824

Furthermore, Applicants submit that the rejection of claims 10-13, 15-18, and 20-23, which depend from claims 9, 14, and 19, respectively, should be withdrawn in view of the remarks above.

### **Conclusion**

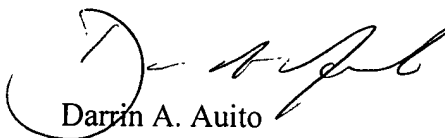
In view of the aforementioned amendments and accompanying remarks, Applicants submit that the claims, as herein amended, are in condition for allowance. Applicants request such action at an early date.

If the Examiner believes that this application is not now in condition for allowance, the Examiner is requested to contact Applicants' undersigned attorney to arrange for an interview to expedite the disposition of this case.

If this paper is not timely filed, Applicants respectfully petition for an appropriate extension of time. The fees for such an extension or any other fees that may be due with respect to this paper may be charged to Deposit Account No. 50-2866.

Respectfully submitted,

**WESTERMAN, HATTORI, DANIELS & ADRIAN, LLP**

  
Darrin A. Auito  
Attorney for Applicants  
Registration No. 56,024  
Telephone: (202) 822-1100  
Facsimile: (202) 822-1111

DAA/jac